

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANNE L. STEWART, on behalf of herself]	
and all others similarly situated,]	
]	
Plaintiff,]	
]	
v.]	
]	
GINO’S EAST RESTAURANT CORP., et al.,]	
]	
Defendants.]	Case No. 07 CV 6340
<hr style="width: 40%; margin-left: 0;"/>]	
BG EAST, LLC,]	Judge Coar
]	
Defendant/Third-Party Plaintiff,]	Magistrate Judge Cole
]	
v.]	
]	
DATA WAVE, INC.,]	
]	
Third-Party Defendant.]	

**THIRD PARTY DEFENDANT, DATA WAVE, INC.’S
MOTION TO DISMISS THIRD PARTY
COMPLAINT PURSUANT TO F.R.C.P. 12(b)(6)**

Third-Party Defendant, Data Wave Inc., by its attorney, Charles J. Corrigan, Dommermuth, Brestal, Cobine, and West Ltd., of counsel, hereby moves to dismiss BG East, LLC’s Third Party Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). In support of this Motion, Third Party Defendant has filed an accompanying Memorandum of Law.

WHEREFORE, Third Party Defendant, Data Wave, Inc., respectfully requests that this Honorable Court dismiss the Third Party Complaint filed by BG East, LLC.

Dated: May 6, 2008

Respectfully Submitted,
Data Wave, Inc., Third Party Defendant

By: s/ Charles J. Corrigan
One of its attorneys

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